

FILED

JAN 09 2015

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

DEWAYNE BEARCHILD,

CV 14-00012-H-DLC-RKS

Plaintiff,

vs.

ORDER

KRISTY COBBAN, SGT. PASHA,
SAM JOVANOVICH, TOM BLAZ,
DAN JOHNSON and C/O
SHASHLINGE,

Defendants.

Plaintiff Dewayne Bearchild has filed a “Request for Court Intervention and Sanctions for Defendant Sgt. Pasha Committing Witness Tampering, and Threatening Plaintiff’s Witnesses as well as Retaliation for Plaintiff, Mr. Bearchild, seeking Access and Meaningful Access to Court.” (Doc. 14.) The filing has been liberally construed as a motion for a temporary restraining order or preliminary injunction.

As a general rule courts are unable to issue orders against individuals who are not parties to a suit pending before it. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100 (1969); *Zepeda v. United States Immigration Service*, 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may issue an injunction if it

has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.”). Here, although Defendants have waived service, they have not yet entered an appearance and have not yet responded to the Complaint.

More importantly, Mr. Bearchild couches Sgt. Pasha’s alleged activities as witness tampering but the individuals discussed in Bearchild’s most recent filing were not listed as witnesses to the event at issue in the Complaint. (Doc. 2 at 9.)

Accordingly, IT IS HEREBY ORDERED that the Motion for Intervention and Sanctions (Doc. 14) is DENIED.

DATED this 9th day of January, 2015.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court